



# Memorandum

**TO:** Historic Landmarks Commission **FROM:** Courtney Damkroger

**SUBJECT: SEE BELOW**

**DATE:** January 27, 2004

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**APPROVED:**

**DATE:**

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## **REQUEST TO REMOVE THE PROPERTY LOCATED AT 521 N. FIFTH STREET FROM THE HISTORIC RESOURCES INVENTORY**

### **BACKGROUND**

In 1986 the San Jose City Council approved a resolution authorizing the Historic Landmarks Commission to maintain the Historic Resources Inventory (HRI). The City Council recognized that the Inventory as a resource for conducting environmental review and as a land use and development planning tool. The resolution authorizes the Commission and its staff to maintain the Inventory by adding and deleting listings as appropriate. A copy of the resolution is attached.

Shawn Chou, Chairperson of the True Jesus Church, owners of the building at 521 N. Fifth Street is requesting the removal of the property from the Historic Resources Inventory. A copy of Mr. Chow's letter as well as photographs of the property are attached.

### **ANALYSIS**

The San Jose Historic Resources Inventory has been compiled over time by several means, including property evaluations to satisfy environmental review requirements where development is proposed and historic resource surveys. In the 1970s and 1980s windshield surveys by historians and architectural historians resulted in the addition of properties to the Inventory sometimes with and sometimes without evaluation forms. Recommended additions to the Inventory were based, in some cases, on the apparent historic significance of the property based on its architecture. In the case of 521 N. Fifth, there is no evaluation form and the property is listed under the Identified Structure (IS) heading. This category represents buildings that appear to have historic significance due to their architecture, but where evaluations have not yet been performed.

With the exception of single family homes, listing on the Inventory does not trigger any additional permit requirements. Single family homes listed in the Inventory are required to obtain a Single Family House Permit when proposing plans to significantly alter the exterior of the home and when planning new additions. For all other building types, there are no additional permit requirements as a result of inclusion in the Inventory. A brochure addressing Frequently Asked Questions regarding the survey and inventory process is attached. It should be noted that development proposals involving potentially historic resources (generally buildings 45 years or

older) are subject to environmental review procedures regardless of whether the building is listed in the Inventory.

Properties listed in the Inventory have use of the State Historical Building Code (SHBC). The intent of the SHBC is to protect California's architectural heritage by recognizing the unique construction problems inherent in historic buildings and offering an alternative code to deal with these problems. The SHBC provides alternative building regulations for the rehabilitation of structures designated as historic buildings. SHBC regulations are intended to facilitate rehabilitation or accommodate change of occupancy so as to preserve a historic structure's fabric. While the code provides for a cost-effective approach to preservation, it also provides for occupant safety, encourages energy conservation and facilitates access for people with disabilities.

The building at 521 N. Fifth has been altered at the south elevation and an addition has been made to the rear. The building appears to be intact and otherwise unaltered. There is no information provided that demonstrates that the building does not qualify for the Inventory. In addition, the property owners are not subject to additional permit requirements as a result of being listed in the Inventory. Therefore, Planning staff recommends that the building remain on the Historic Resources Inventory.

### **RECOMMENDATION**

Planning staff recommends that the Historic Landmarks Commission not remove the property at 521 N. Fifth Street from the Historic Resources Inventory as the property appears to have architectural integrity, is not subject to additional permit requirements as a consequence of listing, nor is there information provided to demonstrate that the building does not qualify for the Inventory.

Courtney Damkroger  
Historic Preservation Officer

Attachments: Property Owner Letter and photos  
CC Resolution No. 58957  
Map  
FAQ